



# महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

वर्ष १, अंक ३७ ]

मंगळवार, नोव्हेंबर २४, २०१५/अग्रहायण ३, शके १९३७

[पृष्ठे ५, किंमत : रुपये १८.००

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी प्रत्येक विभागाच्या पुरवणीला वेगळे पृष्ठ क्रमांक दिले आहेत.

## भाग एक-अ—नागपूर विभागीय पुरवणी

(भाग चार-ब मध्ये प्रसिद्ध करण्यात आलेले आहेत त्यांव्यतिरिक्त) केवळ नागपूर विभागाशी संबंधित असलेले महाराष्ट्र जिल्हा परिषदा व पंचायत समित्या, ग्रामपंचायती, नगरपालिका बरो, जिल्हा नगरपालिका, प्राथमिक शिक्षण व स्थानिक निधी लेखापरीक्षा अधिनियम या अन्वये काढण्यात आलेले आदेश व अधिसूचना.

भाग १-अ (असा.), (ना. वि. पु.), म. शा. रा., अ. क्र. २३५.

URBAN DEVELOPMENT DEPARTMENT

Mantralaya, Mumbai-400 032,

Dated the 24th November, 2015.

NAGPUR IMPROVEMENT TRUST ACT, 1936.

No.NDP 2203-1782-CR-196-03-UD-26.—

The following draft rules further to amend the Nagpur Improvement Trust Land Disposal Rules, 1983 and in supersession of the Government Notification Urban Development Department No. NDP-2203-1782-CR-196-03-UD-26, dated 31st March 2012 which the Government of Maharashtra proposes to make in exercise of the powers conferred by Section 76 read with clause (a) of sub-section (1) Section 89 of the Nagpur Improvement Trust Act, 1936 (C.P. and Berar Act No. XXXVI of 1936) is hereby published as required by sub-section (2) of the said Section 89, for information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration by the Government of Maharashtra after expiry of a period of thirty days from the date of publication of this Notification in the *Maharashtra Government Gazette*.

Any objection or suggestion which may be received by the Secretary (II) to the Government of Maharashtra, Urban Development Department, Mantralaya, Mumbai-400 032 within the aforesaid period, will be considered by the Government.

### DRAFT RULES

In exercise of the powers conferred by Section 76 read with clause (a) of sub-section (1) of the Nagpur Improvement Trust Act, 1936 (C.P. And Berar Act No. XXXVI of 1936), the Government of Maharashtra hereby makes the following rules further to amend the Nagpur Improvement Trust Land Disposal Rules, 1983, namely.

1. These rules may be called Nagpur Improvement Trust Amendment Land Disposal (Amendment) Rules, 2015.

**2.** For Rule 16 of the Nagpur Improvement Trust Land Disposal Rules, 1983 (hereinafter referred to as “the Principal Rules”) the following rules shall be substituted, as follows, namely :—

**“16. Time for making payment of premium—**

(1) Half the amount of premium shall be paid within 30 days of the proposal of allotment of the land/plot which may be extended by the Chairman up to a period of 6 months on payment of 15 per cent interest per annum on the amount of premium payable by the allottee.

(2) The balance of premium shall be paid within 30 days from the date of the payment of half the amount of the premium as provided in sub-rule (1) :

Provided that, the Chairman, may grant extension of time for payment of the balance amount up to a maximum period of 30 months on payment of interest equal to 15 per cent per annum. After full payment of premium with interest the allotment letter will be given to the plot holder.”

**3.** For Rule 20 of the Nagpur Improvement Trust Principal Land Disposal Rules, 1983, the following rules shall be inserted/substituted, as follows namely :—

**“20. Grant of land for Educational, Charitable and Public Purposes :—**

**(I)** The Trust may, with the previous approval of the Government, grant the lease of land for promotion of Educational, Medical, Religious, Social and Charitable purposes, to Charitable Trusts, institutions registered under Bombay Public Trust Act, 1950 or the Societies Registration Act, 1860, Government Department or Semi-Government bodies on payment of such concessional premium as the Trust may, in its discretion, determine, from time to time, and such lease shall be subject to such condition specified in sub-rule (2) and such other conditions, as may be approved by the Government,

(1) The Trust shall invite applications in prescribed form from the eligible institutions for the purpose of allotment of plots for public/semipublic and such similar types of uses, by issuing advertisement in newspaper. Such advertisement shall be issued at least in one Marathi, Hindi and English local newspapers.

(2) The applications shall be submitted in the forms will be made available by the Trust on payment of requisite charges.

(3) Any institution registered under the Bombay Public Trust Act, 1950 or the Societies Registration Act, 1860 shall be entitled to apply for the purpose of allotment of plots only if it is able to produce the audit reports of last three years.

(4) The institutions applying for allotment of plots must enclose true copies of the following documents along with their applications.

(a) Certificate issued under the Act governing the registration of the Public Trust under Bombay Public Trust Act, 1950 or the Societies Registration Act, 1860.

(b) Constitution and by-laws of the institution containing its aims and objectives and nature of working.

(c) Details about the existing members of the Executive Committee or Governing Body.

(d) Audit report for the last three years.

(e) No Objection Certificate from the Collector and the Commissioner of Police or any other competent authority if the plot is required for the religious purpose.

(f) A certificate to the effect that the said society is granted tax exemption under Section 80-c of the Income Tax Act, 1961 with the application submitted for grant of plots for public purpose.

(g) A Proof of having deposit of minimum amount of Rs. 10.00 lakhs in the bank account of the society who has submitted an application/applying for grant of plot for public purpose.

(5) The applicant institution shall also mention the purpose for which the land will be actually used and the ways and means of generating funds for the same, the period in which the institution intends to complete the aforesaid project, if the land is allotted and the details about the financial and economic viability of the project.

(6) In case of demand from the Nagpur Municipal Corporation for the land for use for public amenities such as Primary and Secondary Schools, Dispensaries and Public Libraries and Reading Room etc. further action shall be taken as per the provisions of rule 5(v) of the Rules.

However, Nagpur Municipal Corporation shall not sub-let or assign the said land by any instrument such as agreement, bond, lease, transfer etc. to other private institutions on B.O.T. or P.P.P. basis. The said land shall be put to use for the purpose of Corporation only by itself implementing and maintaining the above said project from its own fund.

(7) The Trust shall not allot the second plot to any allottee within the period of 5 years from the date of allotment of first plot at concessional rates. However, such institution shall be eligible for allotment of another plot after a period of five years. The trust may consider such applications after verifying the work executed by such institutions in various fields and also taking into consideration the nature of use undertaken by such institutions on the plot allotted previously. Only in cases of special and exceptional circumstances, the Trust shall consider allotment of maximum two plots to any institution. However, Government or Semi Government institution, Municipal Corporation etc. shall be exempted from the application of this provision.

(8) Institutions shall be entitled for allotment of plot for public or semi-public use for the first time on concessional rate, which shall be 50% of the prevalent market value.

(9) In case of Institutions which are already allotted plots by the Trust for public purpose, the premium of the second plot shall be charged at 75% of the prevalent market value of the said plot.

(10) The premium of the plot shall be determined by the Rate Fixation Committee constituted in accordance with the provisions of the sub-rule (3) of Rule 7 of the Rules. However, the same shall not be less than the prevalent ready reckoner value fixed by the Government.

(11) The use of the plot allotted by the Trust to an institution and the development thereon shall be made available to the public at large.

(12) The plot allotted shall be used for the purpose for which it is allotted. The plot shall not be put to any other use. The plot shall not be transferable to any other person or institute, except in accordance with these rules.

(13) The applications made for allotment of the plots by the institutions from the following categories may be considered sympathetically :—

(a) Government or Semi Government Institutions.

(b) Institutions working for the welfare of Orphans/handicapped/mentally retarded/blind/deaf/dumb/destitute women/widows/backward classes/other backward classes and weaker sections/religious and linguistic minorities.

(c) Institutions of working in the area of public health at state or national level.

(d) Institutions of national or international repute working in the field of sports/cultural activities.

(14) It shall be obligatory for the institution to complete the construction within period stipulated under the Rules. After the allotment of the plot if it is found that the allottee/institutions has failed to complete the development and construction on the allotted plot and if the plot is not used for the purpose for which it was granted within 15 years of allotment the Trust shall initiate the process for cancellation of the allotment of such plot.

(15) If the commercial use is permissible as per Development Control Rules on the allotted plot, and if the allottee institute desires to sub-lease such commercial use subject prior permission of the Trust, such institution shall deposit 50% of the difference of the consideration of the premium amount and the prevalent market value of the plot towards commercial use as unearned income, with the Trust. The institutions shall be required to pay ground rent on the premium plus unearned income.

(16) In case of breach of any of the terms and conditions and rules of such allotment the Chairman of the Trust shall fine of Rs. 100 per sq. mt. per year fine on the institutions, which are allotted plots for public purpose.

(II) (a) The lessee shall not assign, transfer or part with the possession of the demised premises so as to cause any sub-division therein or otherwise to alter the nature of the demised land except in accordance with the provisions of these rules;

(b) The lessee shall not, without previous permission in writing of the Trust, use or allow to be used the premises of the demised land in contravention of the allotment order or the regulations framed under Section 90 of the Nagpur Improvement Trust Act, 1936 and Development Control Regulations and such rules for the time being in force;

(c) Any dispute which may arise regarding any breach of the terms and condition of the allotment of land shall be decided by the Trust or its nominee and its decision shall be final;

(d) The lessee shall, from time to time and at all times, during the said terms pay and discharge all rates, taxes, charges and assessment of every description including land revenue and non-agricultural assessment, which at my time thereafter during the said term be assessed, charged or imposed upon the said land demised on the buliding erected;

(e) The commercial use of the land demised, shall be subject to restrictions specified and laid down in Development Control Regulations, for the time being in force;

*Explanation :* The letting out on hire or rental basis for any purposes shall be treated as a commercial activity;

(f) The construction on the plot—

(i) shall adhere to the building plan duly sanctioned by the Planning Authority under the relevant Building Regulations and Development Control Regulations;

(ii) shall be carried out by the lessee. The protion of the structure which is not compound-able shall be removed immediately by the lessee. If the lessee fails to remove, the said unauthorized construction, it shall be removed by the Trust or the Planning Authority, as the case may be and that the expenses so incurred on such removal shall be recovered from the lessee;

(g) No erection, re-erection or alteration shall be made in any building or part thereof on the demised land except in accordance with the sanction of the Planning Authority under its Building Regulations and Development Control Rules and a building shall not be put to any use in contravention of the provisions of any regulations made under clause (h) of Section 90 of the Act;

(h) If the lessee without the permission of the Trust or the Planning Authority erects, re-erects, adds to or alters any building or wall or uses the land contrary to the sanctioned building plan and contrary to the terms and conditions of allotment, the Chairman of the Trust, Planning Authority may by written notice;

(I) (a) direct that the erection of the building or alteration or addition therein or use, contrary of the provision of terms and conditions of allotment, be stopped forthwith and;

(b) require such building, alternation, modification to be demolished;

(II) If any person on whom the notice under sub-clause (1) has been served, neglects or refuses to carry out the order or requisition in the manner and within the period specified in the notice, the Chairman may order removal of such alteration or demolition to be carried out and may recover the cost incurred thereon from such person on whom the notice had been served.

(i) If the allottee has made the use of the land contrary to the terms and conditions of the allotment prior to the date on which Development Control Rules came in force i.e. 1st January, 2001, the Trust may regularize the same on payment of 20% of the amount of premium payable per annum for each completed year of such use which shall be paid within a period of 30 days from the receipt of a notice from the Trust in this regard;

(j) (1) If the lessee public or semi-public plots are used for commercial purposes within the meaning of the Development Control Regulations, 2001, the lessee shall pay additional premium at the rate of 25% of the prevailing Ready Reckoner Rates along with proportionate increase in ground rent on the area put to use for commercial purposes. Provided that, in case any lessee has used the premises for commercial purpose prior to 01-01-2001, the lessee shall pay 25% of the Ready Reckoner Rates prevailing in each year for the said use;

(2) If the allottee has made a demand for grant of additional F.S.I. as per Development Control Regulations for the public or semi-public use, the allottee shall pay the premium for grant of permissible additional F.S.I. The premium shall be fixed on the basis of prevailing Ready Reckoner Rates. On grant of such additional F.S.I., the ground rent of the demised land shall be increased by 2 per cent of the enhanced premium;

(k) The Trust shall not grant the lease of the demise land exceeding thirty years, which may be renewed at the discretion of the Trust. In case the plot is used for commercial purposes as permissible under the relevant Development Control Rules the ground rent shall be reassessed as per the prevailing Ready Reckoner Rates after expiry of every fifteen years;

(l) The lessee of the public or semi-public plot shall every year before 30 September submit to the Trust its audited Balance Sheet and Profit and Loss Account for the previous year;

(m) In case of renewal of lease after the lease period, ground rent of the plot would be revised and the ground rent shall be so fixed as per the prevailing Ready Reckoner Rates.

By order and in the name of the Governor of Maharashtra,

J. N. PATIL,  
Deputy Secretary.